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09/695,840	10/26/2000	Shinsuke Henmi	Q61431	3264

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Sughrue Mion Zinn Macpeak & Seas
2100 Pennsylvania Avenue NW
Washington, DC 20037

EXAMINER

ADDISON, KAREN B

ART UNIT	PAPER NUMBER
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2834

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Please find below and/or attached an Office communication concerning this application or proceeding.



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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 19

Application Number: 09/695,840
Filing Date: October 26, 2000
Appellant(s): HENMI ET AL.

Ellen R. Smith
For Appellant

MAILED
MAY 21 2003
GROUP 2800

EXAMINER'S ANSWER

This is in response to appellant's Brief on appeal filed December 10, 2002.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief are correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 1-7 and 8-11 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

6246144	Hockaday	1998
5810111	Takeuchi	9/1998

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-11 are rejected under 35 U.S.C.103 (a). This rejection is set forth in prior Office Action, Paper No.16, and repeated below for convenience.

Claims 1-11 is rejected under 35 U.S.C. 103(a) as being of Hockaday (6246144) in view of Takeuchi (5810,111).

Hockaday discloses in fig 1. A brush holder for a dynamo-electric machine, wherein, a spring (46) and a brush (18a) are set in a brush holder base (10), and the pigtail extends from an introducing portion in the brush in a radial direction of the brush holder, and the terminal plate (30a). The pigtail (34) is also connected in an area within 90 degrees from an introducing portion of the brush holder. Hockaday also discloses, the terminal (30a) and the pigtail (34) connected in an area around a sliding axis of the brush (18a) within the width of the brush. Wherein, the pigtail (34a and b) is introduced from the brush in a direction towards a motor shaft and a column (66a) located in the terminal plate (30a) to connect with the pigtail. Hockaday does not disclose a motor for electric power steering rotatable in both directions.

Takeuchi discloses in fig.1 a motor for a power steering it is inherent that the power steering is rotatable in both directions. Therefore, it would have been obvious to one having ordinary skill in the art to employ the brush holder of Hockaday with the power steering device of Takeuchi for the purpose of generating less electromagnetic noise and high reliability.

Response to Arguments

Applicant's argument that Hockaday fails to disclose a motor for electric power steering is noted.

However, The examiner submits that Hockaday discloses a broad teaching of a brush holder according to the limitation in the claims, which can be incorporated in an electric motor (Col.3 lines 16-17).

Applicant's argument that, Takeuchi fails to teach or suggest a power steering that is rotatable in both direction is not persuasive.

It is inherent that a power steering motor is rotatable in both directions. To show that it is inherent, a reference is provided below to support the above statement.

US6429553 (Taniguchi) teaches that a power steering device is known to rotate in both directions (col.1 line 36-39).

Applicant's argument that Hockaday fails to show the pigtail being introduced from the backside of the brush is not persuasive.

Hockaday clearly show in fig.1 a brush (18a) having a pigtail (34a) in the area within 90 degrees extending from the backside of the brush (18a).

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Applicant's argument that the examiner does not specifically address limitations of the pigtail being introduced from the backside of the brush in the final office action is not persuasive.

Hockaday inherently disclose this feature in fig.1.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Hockaday discloses a broad teaching of a brush holder having carbon brushes to provide electrical current to a commutator which can be incorporated in a electric motor and Takeuchi teaches a power steering motor comprising: a commutator having brushes which provides electrical current to the commutator similar to that of Hockaday. Therefore, it would have been obvious to one having ordinary skill in the art the time the invention was made to employ the brush holder of Hockaday with the power steering motor of Takauchi for the purpose of generating less noise and featuring high reliability.

For the reasons above it is believe that the rejection should be sustained.

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Respectfully submitted,

Karen Addison
PATENT EXAMINER
5/19/03

APPEAL CONFERENCE: 5/8/2003
Olik Chaudhuri(SPE)
Nestor Ramirez(SPE) *NR*
Karen Addison (PATENT EXAMINER)


NESTOR RAMIREZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

SUGHRUE, MION, PLLC
2100 Pennsylvania Avenue,
N.W. Washington D.C. 20037